

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

October 12 of 2006



RZ 06-34: BRYAN TOWNE CENTRE

CASE DESCRIPTION: request to change the zoning classification from 'A-O' Agricultural-Open District to a 'PD' Planned Development District allowing certain office, retail, and commercial uses

LOCATION: 60.37 acres of land adjoining the south side of Briarcrest Drive, in east Bryan, Brazos County, Texas

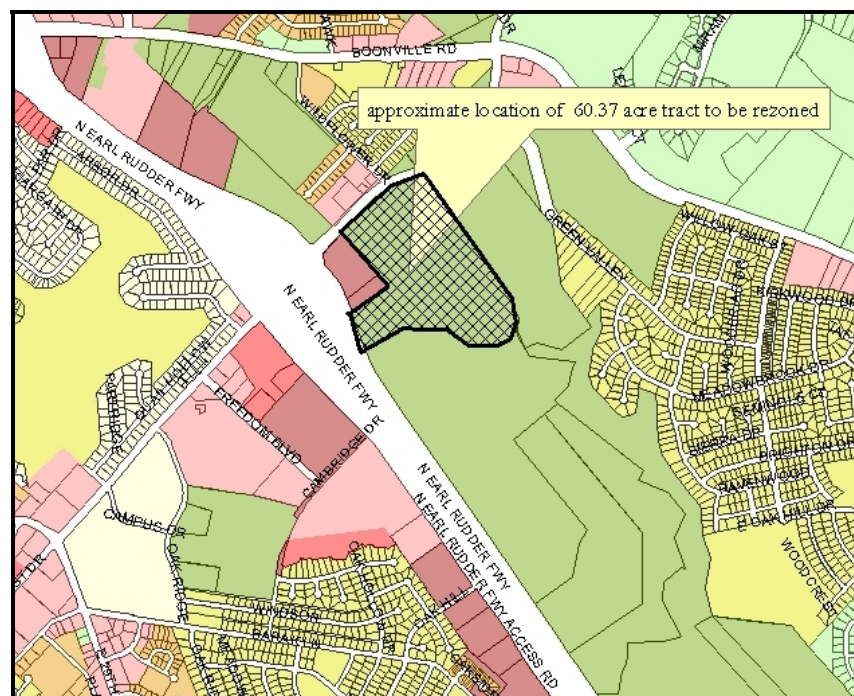
LEGAL DESCRIPTION: 60.37 acres of land, being part of the Richard Carter Survey, Abstract No. 8, recorded in Volume 1188 at Page 48 in the Deed of Records of Brazos County, Texas.

EXISTING LAND USE: vacant acreage

APPLICANT(S): Lauth Property Group, Inc.

STAFF CONTACT: Lindsey Guindi, Planning Manager

SUMMARY RECOMMENDATION: Staff recommends **approving** the proposed Planned Development District on all land encompassed by this request.



BACKGROUND:

The applicant, Lauth Property Group, Inc. is requesting to change the zoning classification from 'AO' to a 'PD' Planned Development for 60.37 acres of land adjacent to the south side of Briarcrest Drive. Currently, this tract of land is undeveloped.

As proposed, this Planned Development District will allow certain office, retail, and commercial uses, as outlined in Exhibit "B" of the ordinance. Physical development in this 'PD' District is proposed to comply with development standards and limitations of the *City of Bryan Code of Ordinances* that generally apply to properties zoned 'C-2' Retail District, except where additional standards are outlined in Exhibit "B" of the ordinance. These may include, for example, regulations concerning density, lot area, lot width, lot depth, yard depth and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings and signs. Please see the attached ordinance for the referenced exhibit and other applicable information.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

Staff believes the proposed 'PD' Planned Development District of approximately 60 acres in size is appropriate in this particular environment. This property is located adjacent to Briarcrest Drive, an arterial, and in close proximity to State Highway 6, a freeway. This particular location will provide space for a large-scale retail use beneficial to, and easily accessed by, the City as a whole.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

The subject property adjoins Briarcrest Drive, capable of accommodating traffic loads typically associated with a regional retail development. Any issues regarding capacity will be addressed at the time of development.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is currently little vacant land for retail and commercial development of this lot size available in this vicinity. There may be land zoned for retail and commercial uses and available for development elsewhere in the City, however, there continues to be a high demand for vacant retail and commercial land near State Highway 6.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Staff contends that all retail and commercial properties are developing at a rapid pace, in

this vicinity and elsewhere in the City.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

If the proposed zoning change were approved, staff believes there to be few if any effects on other areas designated for similar developments.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff believes that future use and development of this property with certain office, retail, and commercial uses will not adversely affect health, safety, morals, or general welfare.

RECOMMENDATION:

Staff recommends **approving** the proposed Planned Development District allowing certain office, retail, and commercial uses on all land encompassed by this request.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, AS AMENDED, CHANGING THE ZONING CLASSIFICATION FROM ‘A-O’ AGRICULTURAL-OPEN DISTRICTS, TO A ‘PD’ PLANNED DEVELOPMENT DISTRICT ALLOWING CERTAIN OFFICE, RETAIL, AND COMMERCIAL USES, SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 60.3694 ACRES OF LAND ADJOINING THE SOUTH SIDE OF BRIARCREST DRIVE, BEING PART OF THE RICHARD CARTER SURVEY, ABSTRACT NO. 8, RECORDED IN VOLUME 1188 AT PAGE 48 OF THE DEED OF RECORDS OF BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130, as amended, are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130, as amended, for 60.3694 acres of land adjoining the south side of Briarcrest Drive, being part of the Richard Carter Survey, Abstract No. 8, recorded in Volume 1188 at Page 48 in the Deed of Records of Brazos County, Texas, from ‘A-O’ Agricultural-Open District to a ‘PD’ Planned Development District allowing certain office, retail, and commercial uses was recommended for approval by the Bryan Planning and Zoning Commission during their regular meeting on October 12, 2006;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

1.

That Chapter 130, as amended, of the City of Bryan Code of Ordinances be amended by changing the zoning classification of 60.3694 acres of land adjoining the south side of Briarcrest Drive, being part of the Richard Carter Survey, Abstract No. 8, recorded in Volume 1188 at Page 48 in the Deed of Records of Brazos County, Texas and described more particularly on attached Exhibit “A” and depicted on attached Exhibit “A-1”, from ‘A-O’ Agricultural-Open Districts to a ‘PD’ Planned Development District allowing certain office, retail, and commercial uses, subject to development requirements specified in attached Exhibit “B” which is herein fully incorporated by reference for all purposes as if it was set forth in the text of the ordinance.

2.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

This ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 14th day of November, 2006 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 28th day of November, 2006 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Ernie Wentreck, Mayor

APPROVED AS TO FORM:

Michael J. Cosentino, City Attorney

Exhibit “A”

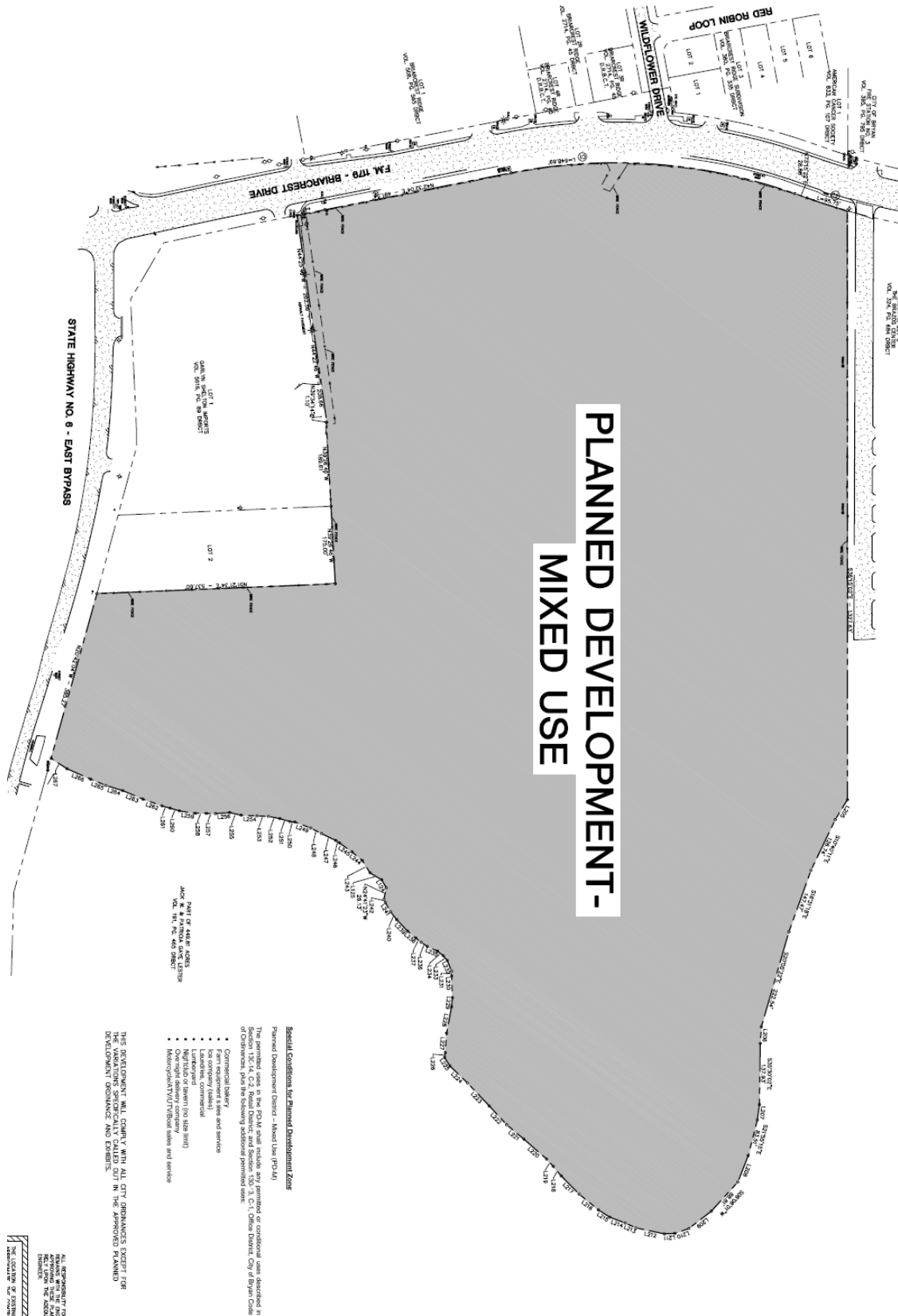


Exhibit "A-1"

*PROPERTY DESCRIPTION
JACK WEBSTER LESTER, JR., PARCEL
RICHARD CARTER SURVEY, ABSTRACT NO. 8
CITY OF BRYAN, BRAZOS COUNTY, TEXAS*

BEING all that certain lot, tract or parcel of land situated in the City of Bryan, Brazos County, Texas, out of the Richard Carter Survey, Abstract No. 8, and being a part of the called 250.32 acre tract of land in Special Warranty Deed to Jack Webster Lester, Jr., by deed recorded in Volume 1188 at Page 48 of the Deed Records of Brazos County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a nail found in concrete for the North corner of Lot 1 Block 1 of Garlyn Shelton Imports Addition, an addition to the City of Bryan, Texas, according to the plat thereof recorded in Volume 5616 at Page 89 of the Map Records of Brazos County, Texas, said point also being in the Southeast right of way line of Briarcrest Drive (Farm Market No. 1179) (variable width right of way);

THENCE North 42° 32' 04" East along the Southeast line of said Briarcrest Drive (Farm Market No. 1179) for a distance of 491.54 feet to a concrete right of way marker found for corner, said point being the beginning of a curve to the right having a central angle of 30° 38' 00" with a radius of 1213.29 feet and a chord bearing North 57° 56' 22" East at a distance of 640.99 feet;

THENCE Northeasterly along said curve to the right and continuing along the Southeast right of way line of Briarcrest Drive (Farm Market No. 1179) for an arc distance of 648.69 feet to a concrete right of way marker found for corner;

THENCE North 73° 15' 22" East and continuing along the South for a distance of 28.88 feet to a concrete right of way marker found for corner, said point being the beginning of a curve to the left having a central angle of 03° 40' 32" with a radius of 1492.51 feet and a chord bearing North 71° 25' 06" East at a distance of 95.73 feet;

THENCE Northeasterly along said curve to the left and continuing along the Southeast right of way line of Briarcrest Drive (Farm Market No. 1179) for an arc distance of 95.75 feet to 5/8" iron rod found for in the Northeast line of the aforesaid called 250.32 acre tract, said point also being the East corner of a 43.7 acre tract of land conveyed to Brazos County as recorded in Volume 324 at Page 684 of the Deed Records of Brazos County, Texas;

THENCE South 36° 15' 02" East and departing the Southeast right of way line of said Briarcrest Drive (Farm Market No. 1179) and following along a fence line for a distance of 1327.63 feet to a point for corner;

THENCE the following courses and distances;

- (1) South 04° 55' 22" East, for a distance of 52.73 feet to a point for corner;
- (2) South 10° 40' 11" East, for a distance of 126.74 feet to a point for corner;
- (3) South 16° 31' 18" East, for a distance of 147.47 feet to a point for corner;
- (4) South 20° 05' 22" East, for a distance of 222.54 feet to a point for corner;
- (5) South 32° 11' 33" East, for a distance of 37.56 feet to a point for corner;
- (6) South 35° 30' 02" East, for a distance of 137.93 feet to a point for corner;

- (7) South 28° 41' 31" East, for a distance of 34.77 feet to a point for corner;
- (8) South 21° 55' 15" East, for a distance of 83.51 feet to a point for corner;
- (9) South 14° 47' 06" East, for a distance of 63.83 feet to a point for corner;
- (10) South 06° 06' 01" West, for a distance of 88.81 feet to a point for corner;
- (11) South 15° 58' 54" West, for a distance of 63.80 feet to a point for corner;
- (12) South 34° 23' 46" West, for a distance of 34.00 feet to a point for corner;
- (13) South 51° 40' 26" West, for a distance of 23.02 feet to a point for corner;
- (14) South 65° 32' 28" West, for a distance of 65.39 feet to a point for corner;
- (15) South 78° 03' 21" West, for a distance of 26.84 feet to a point for corner;
- (16) South 74° 31' 25" West, for a distance of 36.85 feet to a point for corner;
- (17) South 86° 33' 26" West, for a distance of 31.47 feet to a point for corner;
- (18) North 86° 58' 45" West, for a distance of 55.41 feet to a point for corner;
- (19) North 80° 46' 18" West, for a distance of 57.60 feet to a point for corner;
- (20) North 76° 03' 35" West, for a distance of 28.02 feet to a point for corner;
- (21) North 78° 23' 49" West, for a distance of 22.29 feet to a point for corner;
- (22) North 84° 58' 36" West, for a distance of 68.35 feet to a point for corner;
- (23) North 86° 23' 27" West, for a distance of 50.03 feet to a point for corner;
- (24) North 79° 01' 41" West, for a distance of 57.99 feet to a point for corner;
- (25) North 79° 41' 54" West, for a distance of 71.05 feet to a point for corner;
- (26) North 82° 13' 05" West, for a distance of 55.49 feet to a point for corner;
- (27) North 68° 23' 56" West, for a distance of 22.46 feet to a point for corner;
- (28) North 28° 21' 29" West, for a distance of 11.10 feet to a point for corner;
- (29) North 32° 13' 22" West, for a distance of 44.08 feet to a point for corner;
- (30) North 25° 38' 57" West, for a distance of 60.47 feet to a point for corner;
- (31) North 30° 33' 04" West, for a distance of 20.59 feet to a point for corner;
- (32) North 38° 29' 05" West, for a distance of 48.51 feet to a point for corner;
- (33) North 37° 19' 12" West, for a distance of 11.52 feet to a point for corner;
- (34) North 58° 16' 08" West, for a distance of 25.88 feet to a point for corner;
- (35) North 76° 43' 28" West, for a distance of 13.82 feet to a point for corner;
- (36) North 87° 11' 45" West, for a distance of 16.70 feet to a point for corner;
- (37) South 78° 24' 52" West, for a distance of 25.27 feet to a point for corner;
- (38) South 88° 02' 11" West, for a distance of 16.91 feet to a point for corner;
- (39) North 87° 45' 21" West, for a distance of 15.30 feet to a point for corner;
- (40) North 86° 09' 57" West, for a distance of 24.12 feet to a point for corner;
- (41) North 79° 47' 28" West, for a distance of 35.20 feet to a point for corner;
- (42) North 74° 19' 16" West, for a distance of 22.92 feet to a point for corner;
- (43) North 65° 52' 05" West, for a distance of 24.17 feet to a point for corner;
- (44) North 57° 39' 51" West, for a distance of 8.06 feet to a point for corner;
- (45) North 24° 41' 23" West, for a distance of 26.13 feet to a point for corner;
- (46) North 66° 22' 44" West, for a distance of 20.67 feet to a point for corner;
- (47) South 84° 44' 16" West, for a distance of 35.76 feet to a point for corner;
- (48) North 68° 29' 24" West, for a distance of 33.00 feet to a point for corner;
- (49) North 86° 26' 16" West, for a distance of 30.52 feet to a point for corner;
- (50) South 89° 24' 52" West, for a distance of 34.39 feet to a point for corner;
- (51) South 86° 46' 55" West, for a distance of 10.12 feet to a point for corner;
- (52) South 79° 43' 16" West, for a distance of 35.54 feet to a point for corner;
- (53) South 80° 54' 27" West, for a distance of 27.49 feet to a point for corner;
- (54) South 74° 25' 58" West, for a distance of 38.43 feet to a point for corner;

(55) South 59° 04' 16" West, for a distance of 11.04 feet to a point for corner;
(56) South 69° 59' 25" West, for a distance of 23.41 feet to a point for corner;
(57) South 64° 58' 14" West, for a distance of 25.97 feet to a point for corner;
(58) South 56° 04' 46" West, for a distance of 26.00 feet to a point for corner;
(59) South 56° 15' 46" West, for a distance of 36.01 feet to a point for corner;
(60) South 67° 07' 02" West, for a distance of 26.18 feet to a point for corner;
(61) South 49° 24' 34" West, for a distance of 32.08 feet to a point for corner;
(62) South 55° 16' 26" West, for a distance of 20.49 feet to a point for corner;
(63) South 53° 52' 36" West, for a distance of 25.49 feet to a point for corner;
(64) South 62° 41' 01" West, for a distance of 35.90 feet to a point for corner;
(65) South 69° 49' 20" West, for a distance of 21.83 feet to a point for corner;
(66) South 69° 49' 20" West, for a distance of 18.71 feet to a point for corner;
(67) South 73° 19' 18" West, for a distance of 46.11 feet to a point for corner;
(68) South 76° 32' 29" West, for a distance of 49.28 feet to a point for corner;
(69) South 70° 42' 51" West, for a distance of 39.68 feet to a point for corner;
(70) South 76° 22' 49" West, for a distance of 37.86 feet to a point for corner;
(71) South 77° 30' 22" West, for a distance of 57.64 feet to a point for corner;
(72) South 87° 00' 01" West, for a distance of 42.60 feet to a point for corner in the Northeast right of way line of State Highway No. 6 East Bypass (North Earl Rudder Freeway)

THENCE North 20° 42' 04" West along the Northeast right of way line of State Highway No. 6 East Bypass (North Earl Rudder Freeway) for a distance of 385.27 feet to the South corner of Lot 2 in Block 1, of the aforementioned Garlyn Shelton Imports Addition, an addition to the City of Bryan, Texas, according to the plat thereof recorded in Volume 5616 at Page 89 of the Map Records of Brazos County, Texas;

THENCE North 51° 21' 34" East along the Southeast line of said Lot 2 in Block 1 of Garlyn Imports Addition for a distance of 537.60 feet to a 5/8" iron rod found for the East corner of Lot 2 in Block 1 of Garlyn Shelton Imports Addition;

THENCE North 39° 26' 46" West along the Northeast line of Garlyn Imports Addition for a distance of 175.00 feet to a point for corner;

THENCE North 39° 26' 46" West and continuing along the Northeast line of said Garlyn Imports Addition for a distance of 189.61 feet to a point for corner;

THENCE North 39° 34' 14" East and continuing along the Northeast line of said Garlyn Imports Addition for a distance of 1.10 feet to a 5/8" iron rod found for corner;

THENCE North 44° 22' 46" West and continuing along the Northeast line of said Garlyn Imports Addition for a distance of 208.66 feet to 1" iron pipe found for corner;

THENCE North 44° 25' 46" West and continuing along the Northeast line of said Garlyn Imports Addition for a distance of 262.56 feet to the POINT OF BEGINNING and CONTAINING 60.3694 ACRES OF LAND more or less.

(Basis of Bearings for this description is the NAD83 Texas State Plane Coordinates Central Zone established by the City of Bryan Monumentation Project utilizing reference monuments GPS 32, GPS 33 and GPS 44 set in 1997 and found at the time of survey.)

Prepared from survey made on the ground August 14th, 2006

David Petree

Registered Professional Land Surveyor No. 1890

Exhibit “B”

Development Plan for Planned Development District allowing certain office, retail, and commercial uses on 60.3694 acres of land adjoining the south side Briarcrest Drive

SECTION 1: DEFINITIONS

In this specific context, the term "permitted" shall mean all uses permitted by right within the zoning classification specified, plus any additional uses specifically mentioned as being permitted by right, as well as other uses defined and described in the Zoning Ordinance of the City of Bryan as being permitted with approval of a Conditional Use Permit. Said uses permitted with approval of a Conditional Use Permit shall (unless specifically mentioned as being permitted by right) be subject to development review procedures of the Zoning Ordinance described for Conditional Use Permits.

SECTION 2: Land Use

The continued use of land permitted within in this Planned Development District shall generally be limited to the uses permitted in the ‘C-1’ Office District and the ‘C-2’ Retail District. The following uses shall also be permitted by right:

1. commercial bakery;
2. farm equipment sales and service;
3. ice company (sales);
4. commercial laundry;
5. lumberyard;
6. nightclub or tavern;
7. overnight delivery company; and
8. motorcycle/ATV/UTV/boat sales and service.

SECTION 3: Physical Development

Physical development in this Planned Development District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned ‘C-2’ Retail District, subject to any limitations specified herein. These development standards and limitations include, but are not limited to, regulations concerning density, lot area, lot width, lot depth, yard depth and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting as well as project phasing or scheduling.

The following additional standards shall be applicable to the physical development within this Planned Development District:

1. On all lots created by means of a subdivision plat in accordance with Chapter 110 of the Bryan Code of Ordinances, no minimum building setbacks shall be required from property lines that (a.) do not adjoin a public street; and (b.) do not adjoin abutting land that is not embraced by this Planned Development District.
2. Raised landscape islands, 180 square feet for a single parking row and 360 square feet for a double parking row, will be placed every 20 parking spaces or 180 feet. The landscape island may be reduced to 160 square feet for a single parking row and 320 square feet for

a double parking row when the depth of the parking space is less than 20 feet. Raised bay dividers will not be required every other parking row.

3. Up to two off-premise signs shall be permitted. Any such off-premise sign shall be located on land embraced by this Planned Development District. The sign located along SH 6 shall be no more than 60 feet in height and no more than 500 total square feet. The sign along Briarcrest Drive shall be no more than 35 feet in height and no more than 170 total square feet. Both signs shall be located at a minimum of 25 feet from the property line.
4. All on-premise freestanding signs shall be a maximum of 10 feet in height.
5. Outside storage of merchandise associated with a retail use will be permitted. Such outside storage must (a.) not be visible from the public right-of-way or (b.) be adequately screened from the public right-of-way utilizing screening materials in accordance with Section 130 of the Zoning Ordinance. In addition, the allowed outside storage is not permitted to be placed within any minimum building setbacks.
6. The maximum building height shall not exceed 45 feet from the ground level.
7. The parking area design may be modified to allow for a parking space depth of 18 or more feet. For every foot (less than the minimum required 20 feet) the parking space is reduced in depth, an additional 1 foot of width will be required on the adjacent drive aisle.

SECTION 4: Subdivision of Land

The subdivision of land in this Planned Development District shall be allowed in accordance with Chapter 110 of the Bryan Code of Ordinances, Subdivisions.

The following additional standards shall be applicable to the subdivision of land within this Planned Development District:

1. Vehicular access easements will be permitted to provide access for properties which do not have direct frontage on public rights-of way.